

## **REMARKS/ARGUMENTS**

The Applicant thanks the Examiner for the Advisory Action dated September 22, 2009. Since the Applicant filed a response to the Final Office Action with the 2-month period, then the shortened statutory period for responding to the Advisory Action expires on the date of mailing the Advisory Action.

Accordingly, a Request for Continued Examination is filed herewith together with a 1-month extension fee.

### **Claim Rejections - 35 USC § 102**

In the Advisory Action, the Examiner seems to be inferring a lot of information from Wellner, which is totally absent from that document. The Examiner states that “the perspective distortion may be calculated depending on the position of the pen and how the image is translated from the scanned image on the paper”. Whether or not such a calculation is *possible* is not relevant to the assessment of novelty. There is no disclosure in Wellner (either explicit or implicit) of the use of perspective distortion to compute a nib position.

The allegedly relevant passage of Wellner cited by the Examiner states that:

In step 302, the user swipes the paper with the pen 11, which senses marks on the paper. In step 302a, the pen 11 may optionally store the mark information for later transmission to interface 15. In step 303, as previously described, these marks may be interpreted within the pen 11 before the information is transmitted to interface 15 or, to reduce the cost of the pen, the pen 11 may send raw scanning information to the interface 15 for processing. In

The Applicant reiterates that all this passage is saying is that the pen swipes the paper and transmits information to a computer system. The information may be raw scanning information or it may be interpreted by the pen before transmission. However, there is no disclosure of using an observed perspective transform on imaged tags to calculate a nib position.

Alternatively, the Examiner seems to be arguing that a particular modification of the prior art is possible. However, this is not sufficient to establish a *prima facie* case of obviousness. The Applicant maintains that there was no motivation provided by Wellner (or indeed any other document) to use perspective distortion in the manner recited in claim 1.

The Applicant can only conclude from the comments in the Advisory Action that the Examiner has ignored the previous claim limitation by asserting a "broadest reasonable interpretation" of the claim language. In response to the Examiner's argumentation, claims 1 and 29 now specify:

*wherein the position of the nib is determined by inferring a perspective transform from perspective-distorted corners of a tag of known size when sensing the coded data and using the perspective transform together with a known geometry of pen optics to compute the position of the nib.*

Basis for this amendment can be found at page 21, lines 11-14 of the specification.

The Applicant submits that the limitation regarding the "perspective distortion" is now specified in claim 1 in sufficient detail and should be considered in the Examiner's analysis of the claim scope. Moreover, the Applicant submits that Wellner fails to teach or suggest the claimed limitation. Accordingly, the Examiner is requested to reconsider the rejections under 35 USC 102.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,



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